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IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1972

No. 73–19

In the Matter of the Application of
JULIUS P. CROWNE
For Admission to the Bar Examination of Florida
PETITION FOR WRIT OF CERTIORARI TO
THE SUPREME COURT OF FLORIDA

BRIEF FOR THE FLORIDA BOARD OF BAR EXAMINERS IN OPPOSITION

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OPINIONS BELOW

The order of the Supreme Court of Florida filed April 4, 1973 denying Petitioner's application for an order allowing him

to sit for Florida's Spring, 1973 bar examination, without prejudice to Petitioner to reapply and supply the Florida Board of Bar Examiners with reasonably accurate details and appropriate documentation of the extent of his legal practice is found at Appendix, Pages A1–A5 of the Petition. The order of the Supreme Court of Florida denying rehearing was filed May 7, 1973 and is found at Appendix, Page A-10 of the petition.

JURISDICTION

The order sought to be reviewed was entered on April 4, 1973. Petitioner sought a rehearing which was denied on May 7, 1973. The Petitioner seeks to invoke the jurisdiction of this Court under 28 U.S.C. Section 1257(3).

QUESTIONS PRESENTED FOR REVIEW

1. Whether a State may deny an applicant the right to take the bar examination when the applicant fails to meet ordinary legal academic standards prescribed by that state.

2. Whether an applicant who is denied admission to the bar examination because he failed to meet legal academic requirements is entitled to a hearing before such denial is made.

3. Whether it is constitutionally permissible to charge out-of-state, licensed attorneys a higher application fee to take the Florida Bar Examination than is charged other out-of-state applicants.

STATEMENT OF THE CASE

On October 5, 1972, Petitioner applied for admission to Florida's Spring, 1973 bar examination scheduled for July 24–25, 1973. Section 22(a), Article IV, *Rules of the Supreme Court of Florida Relating to Admissions to the Bar* (hereinafter "Rules"), requires three years' in-residence work at an accredited undergraduate college or university, or its equivalent (Appendix A, p. 11) Section 22(b), Article IV of the Rules requires applicants to be graduates of a full-time accredited law school (Appendix A, p. 12) The term "accredited law school" was defined by such rule to refer to any law school approved or provisionally approved by the American Bar Association or which is a member of the Association of American Law Schools. The Petitioner could not meet the requirement of Section 22(b) in that the law school from which he graduated had never become a member of the Association of American Law Schools and was not provisionally approved by the American Bar Association until 1937, some five years after Petitioner's graduation. However, an exception to the above-mentioned rules is provided by Section 22(c) of Article IV of the Rules, which permits an applicant to submit an abstract of 10 years of practice in the District of Columbia or in a sister state and

> "If a thorough consideration of this abstract shows . . . that his academic and legal scholarship conform to approved standards and sum up to the equivalent of that required of other candidates for admission, the Board may, in its discretion, admit him to the examination." (Appendix A, p. 13)

Following Petitioner's request for forms of application, he was advised by the Florida Board of Bar Examiners that he did not

meet the requisite educational requirements and that it would be necessary for Petitioner to qualify under Section 22(c) of Article IV of the Rules in order to sit for the Florida Bar Examination (Appendix B, p. 15). Further, such letter contained detailed and explicit instructions on how to prepare an abstract under Section 22(c) Appendix B, p. 15). Section 22(c) of the aforesaid Rules requires an abstract showing the scope and character of the applicant's previous experience and practice at the bar, and requires samples of the applicant's work such as pleadings, briefs, legal memoranda, corporate charter or other working papers which the applicant considers illustrative of his expertise, academic and legal training. (Appendix A, p. 13) The Petitioner filed a one-page memorandum, to which was attached a six page civil complaint drawn by Petitioner. (Appendix C, p. 19) The memorandum alleged that Petitioner was unable to furnish any additional samples of his work by reason of his not having actively practiced law subsequent to 1950. The Board, by a Notice of Board Action dated February 15, 1973, notified the Petitioner that his application for admission to the bar examination was denied, (Pet. Appendix 7A). The Petitioner sought relief from the Supreme Court of Florida. His petition to that court alleged (in paragraphs 3 and 7) that he was not seeking admission under Section 22(c) of the Rules (Appendix D, p. 20) It is patently clear, however, that Petitioner did not graduate from an accredited law school so as to qualify to sit for the Florida Bar Examination unless he could comply with the provisions of Section 22(c). It was, therefore, unclear on what basis Petitioner sought relief in the Supreme Court of Florida. His petition to that court was denied without prejudice to the Petitioner to reapply to the Board and furnish "reasonably accurate details of the extent of his legal practice supported by appropriate documentation." (Pet. Appendix 1A–5A)

A petition to the Supreme Court of Florida for rehearing was denied on May 7, 1973 (Pet. Appendix, 9A). Thereafter, the Petitioner again made application to the Board of Bar Examiners by filing a supplemental abstract on May 15, 1973. The renewed application was denied by the Board on the ground that he had still failed to provide sufficient information to justify the Board in finding him qualified under the provisions of Section 22(c), Article IV of the Rules of the Supreme Court of Florida Relating to Admissions to the Bar. Petitioner was so notified by Notice of Board Action dated May 31, 1973 (Pet. Appendix 10A)

The Petitioner did not seek review of the Board's action of May 31, 1973, and such action has not been reviewed by the Supreme Court of Florida. Petitioner, therefore, has not exhausted all remedies available to him below. Petitioner herein now seeks certiorari directed to the Supreme Court of Florida on the basis of that Court's order entered on April 4, 1973 (Pet. Appendix 1A–5A) and the denial of the petition for rehearing (Pet. Appendix 9A).

Petitioner stated in his petition to the Supreme Court of Florida that he was not attempting to qualify under Section 22(c) of the Rules. (Appendix D, p. 20) However, his petition to this Court is almost solely based on an attack of the constitutionality of Section 22(c) as he seeks to raise various constitutional objections to such rule. It is difficult to determine on what grounds Petitioner bases his objections by reading his brief. Apparently, Petitioner claims that such rule is in derogation of the Fifth and Fourteenth Amendments to the Constitution of the United States. Petitioner also asserts, under the same constitutional provisions, that Rule 22(c) is vague and therefore constitutionally defective and further that he was

unconstitutionally deprived of a hearing before his application was denied. Petitioner also asserts that denial of admission to the bar examination impairs the obligation of a contract, although he never identifies the "contract" to which reference is made.

REASONS FOR DENYING THE WRIT

1. A state can require high standards of qualification such as . . . proficiency in its law before it admits an applicant to the Bar so long as such standards or qualifications have a rational connection with the applicant's fitness or capacity to practice law. *Schware v. Board of Bar Examiners*, 355 U.S. 232, L.Ed.2d 796, 77 S.Ct. 752 (1957). The fact that an attorney has been licensed in another state does not automatically entitle him to practice in any state other than that in which he is licensed. The requirement of training and graduation from an accredited law school is, on its face, reasonable and rationally related to the fitness to practice law. The State of Florida was not required to permit an exception to this requirement, but has done so, permitting the Board of Bar Examiners to consider an abstract submitted by an applicant to establish, if possible, that he possesses the equivalent of the requisite academic requirements. Such requirement is also reasonable and rationally related to the determination of an applicant's fitness to practice law. Petitioner's abstract (Appendix C, p. 19) is simply inadequate to establish or allow the Board of Bar Examiners to infer that Petitioner possesses the requisite expertise and academic and legal scholarship required by the Supreme Court of Florida.

2. Petitioner, under the facts of the instant case, is not entitled to a hearing before being denied the right to sit for

the Florida Bar Examination. Admittedly, as in the cases cited by Petitioner, where a person shows that he is in full compliance with all the Court's rules and is denied admission to practice, he is entitled to a hearing and the opportunity to rebut the basis for such denial. Both cases cited by Petitioner turned on subjective opinions as to fitness of character. However, in the instant case, the Petitioner clearly shows by his application that he is not within the class of those entitled to be admitted to the Bar examination under the Rules of the Supreme Court of Florida. See *Brooks v. Laws*, 208 Fed. 18 (Dist. of Col. 1953). Further, the Petitioner has not been permanently denied the opportunity to practice law in Florida or sit for the Bar examination. As the Supreme Court of Florida noted in its opinion of April 4, 1973 (Pet. Appendix 1A–5A) the Petitioner's request for relief was denied without prejudice to reapply at a later date when he can fully comply with the Court's rules.

3. This Court has specifically recognized that a State is not without power to charge non-residents a differential in licensing matters where the increased fee would merely compensate the State for any added burden the State may incur because the applicant for the license is a non-resident. *Toomer v. Witsell*, 334 U.S. 385 at 398, 399 (1947). Also see *American Commuters Association v. Levitt*, 279 F.Supp 40 at 48 (S.D. New York, 1967).

The application used by the Florida Board of Bar Examiners contains three sections. Section "B" of such application is to be completed only by those applicants who have been previously admitted to practice law in any jurisdiction or court. (Appendix E, p. 22) In addition to making its normal routine checks as to character and fitness of an applicant, where the applicant has

been previously licensed, the Board of Bar Examiners must make an extensive, and necessarily more expensive, review of the expanded application by verifying and analyzing the information contained in Section B of the application form. (Appendix E, p. 22) Therefore, to cover the expenses of such investigation, practitioners from other states who apply to take the Florida Bar examination are charged a higher application fee. Such is not unequal treatment under the law since licensed practitioners constitute a special class of applicants. Further, the fee charges is not so onerous as to effectively prohibit out-of-state practitioners from applying for admission to practice in Florida.

4. Petitioner's allegation that the U.S. Constitution is violated because a "state law enacted in 1955" is applied retroactively is totally without basis for a number of reasons. First, Rule 22(c) is not a "state law," but is a rule promulgated by the Supreme Court of Florida in the exercise of its exclusive jurisdiction to regulate the admission of persons to the practice of law under Article V of the Constitution of the State of Florida. Further, such rule is not applied "retroactively" so as to disbar anyone who is previously admitted to practice. As far back as 1945, Florida has made provision for those applicants who were unable to meet all academic requirements of the state, but who were licensed to practice in jurisdictions other than Florida (Appendix F, p. 26) The applicant applied for admission to the bar examination long subsequent to the promulgation of this rule and should not be now heard to complain simply because he cannot fall within any exceptions to requisite academic requirements for admission to the bar examination.

5. Rule 22(c) on its face is not vague and, therefore,

constitutionally void, but is alternatively quite detailed and explicit in what is required to comply with the rule (Appendix A, p. 13) and as previously noted, the Petitioner received detailed instructions on how to prepare an abstract (Appendix B, p. 15) Nowhere in his petition is it alleged that the Petitioner can now comply with the academic requirements of the Rules, nor does he allege that he can now offer additional evidence of practice or related matters that would bring him under the exception provided by Rule 22(c). Instead, Petitioner would ask this Court to promulgate an additional rule for the Supreme Court of Florida which would require a further exception to the academic standards established by that Court; in fact, the Petitioner would have this Court by fiat impose a rule on the Florida Board of Bar Examiners requiring them to orally examine every licensed, out-of-state practitioner who does not otherwise meet the requisite academic standards of Rule 22(a) and 22(b) to determine if he is qualified to take the bar examination. The Supreme Court of Florida has, however, determined that the best means of determining academic qualifications is to see written examples of one's work over an extended period of time.

The decision as to whether practice in another state and related experience constitutes the equivalent of pre-legal education and law school graduation is necessarily a substantive determination. Petitioner's abstract simply failed to establish in the opinion of the Board and of the Court, the academic equivalency contemplated by the Rules.

CONCLUSION

Applicant was denied admission to the Florida Bar Examination because he failed to satisfy academic equivalency require-

ments. No question of due process is raised by such denial. There are no substantial questions here which merit the Court's time and attention.

For the foregoing reasons, the petition for writ of certiorari should be denied.

Respectfully submitted

C. Graham Carothers
Attorney for Respondent
P.O. Box 391
Tallahassee, Florida, 32302

APPENDIX A

RULES OF THE SUPREME COURT OF FLORIDA

Relating to Admission to the Bar
(In effect in 1972-73)

ARTICLE IV

EDUCATIONAL, CHARACTER AND FITNESS REQUIREMENTS

Section 22

Every applicant is also required:

(a) To furnish the Board satisfactory evidence that the applicant has completed at least *three years'* in-residence college work, or its equivalent, such college work to consist of a minimum of three-quarters of work acceptable for an academic Bachelor's Degree granted on a basis of a four-year period of study in a college or university on the approved list of any one of the following regional accrediting associations or any Florida college or university approved by the Florida Supreme Court, approval to be withdrawn if accreditation is not met within a period approved by the accrediting agency:

1. New England Association of Colleges and Secondary Schools;

2. Middle States Association of Colleges and Secondary Schools;

3. North Central Association of Colleges and Secondary Schools;

4. Southern Association of Colleges and Secondary Schools;

5. Northwest Association of Secondary and Higher Schools;

6. Western College Association;

at a time when, or in the same calendar year in which such school was so accredited.

This section shall be applicable only to those applying for admission to the Bar who enrolled in any accredited law college subsequent to December 31, 1960. All other applicants shall be governed by previous Section 22 (a) of Article IV of the rules aforesaid. (At least two years' in-residence college work, or its equivalent.)

(b) To furnish the Board satisfactory evidence of graduation from a full-time accredited law school at a time when, or in the same calendar year in which such school was so accredited, and that such accredited law school has conferred upon the applicant the degree of Bachelor of Laws or Doctor of Jurisprudence. The term, "accredited law school," has reference to any law school approved or provisionally approved by the American Bar Association or which is a member of the Association of American Law Schools. None of the following shall be substituted for law school training;

1. Private study, correspondence school or law office training;

2. Age or experience;

3. Waived or lowered standards of legal training for particular persons or groups.

For the purpose of enforcement of this rule a degree in law shall be deemed conferred and the applicant graduated when the Dean of the Law School certifies to the Board that the applicant has completed the requirements for graduation and that the degree will be conferred.

(c) Attorneys who were in good standing in the District of Columbia and in the States of the United States of America may, notwithstanding the provisions of Secions 22(a) and 22(b) hereof, be permitted to take the bar examination to be admitted to the practice of law in Florida (1) upon furnishing similar requirements as to fitness, except as required by Sections 22(a) and 22(b), as are required of other candidates to take the examination; (2) upon producing such evidence as the Board may require, that such applicant was in the practice of law in the District of Columbia or in other States of the United States of America, or in practice in federal courts in territories, possessions or protectorates of the United States for at least ten years, and that he was in good standing at the bar of the District of Columbia, the territory, possession or protectorate, or of the State from which he came; and (3) upon furnishing to the Board an abstract showing the scope and character of the applicant's previous experience and practice at the bar, including samples of the quality of the applicant's work, such as pleadings, briefs, legal memoranda, corporate charters or other working papers which the applicant considers illustrative of his expertise, his academic and his legal training. Such abstract should confine itself to the applicant's most recent ten years of practice. If a thorough consideration of this abstract shows that the applicant is a lawyer of high character and

ability, that his professional conduct has been above reproach, and that his academic and legal scholarship conform to approved standards and sum up to the equivalent of that required of other candidates for admission to the examination, the Board may, in its discretion, admit him to the examination. In evaluating academic and legal scholarship the Board is clothed with a broad discretion.

APPENDIX B

LETTER OF TRANSMITTAL AND INSTRUCTIONS FOR PREPARING ABSTRACT OF PRACTICE

September 19, 1972

Mr. Julius P. Crowne
87-10 51 Avenue
Elmhurst, New York 11373

Dear Mr. Crowne:

[ ] Rules enclosed without charge.

Enclosed is Receipt No. 38836, in the amount of $5.00 as your proof of having remitted the applicable fee(s) for the purchase of:

[x] One set of forms of application

[ ] for registration

[x] for admission into the Florida Bar Examination.

THE COST OF THE ABOVE ITEM MAY BE DEDUCTED FROM THE APPROPRIATE FEE TO ACCOMPANY ANY APPLICATION FOR REGISTRATION OR ADMISSION INTO A FLORIDA BAR EXAMINATION WHICH YOU MAY SUBSEQUENTLY FILE WITH THIS BOARD, *PROVIDED THAT THE ENCLOSED RECEIPT IS ATTACHED*

TO SUCH APPLICATION. (Do not deduct the amount paid for the purchase of former questions or documents.)

NOTICE: *This receipt cannot be replaced, or the credit transferred to another person.*

☐ One set of questions from two previously-administered Florida Bar Examinations.

☐ Copy of document(s) previously filed. (The document requested by you consists of _____ pages.)

There is absolutely no residence requirement for admission into the Florida Bar Examination.

Very truly yours,

James B. Tippin, Jr.
Executive Director

Please see page 2.

vm/am

Our records indicate that Brooklyn Law School was not provisionally approved by the American Bar Association until 1937 and has never become a member of the Association of American Law Schools. You state that you were graduated in 1932; therefore, your attention is invited to the following:

In that you do not meet the requirements of Article IV, Section 22(b), of the Rules, the only means whereby you may attempt to qualify is under the provisions of Article IV, Section 22(c). Applicants for the Spring (7/24, 25) 1973 Florida Bar Exam-

ination attempting to qualify under the provisions of Article IV, Section 22(c), must file an abstract of their practice by 12/13/72.

Please note the following in drafting your abstract of practice:

1. By all means sacrifice brevity and modesty in favor of being as thorough as it is humanly possible to be when drafting your abstract of practice.

2. It is not required that you include in your abstract every law suit which you have handled. However, you should make certain to include a thoroughly representative number of cases on which you have had the primary responsibility covering a ten-year period of your practice. This should include the style of the cause, the docket number if it were litigated in the trial courts, or a citation showing the volume in which the case was reported if concluded by an appeal. The date on which the matter was handled should likewise be shown, together with the nature of the action, whether contract, tort, etc.

3. When referring to such actions as the organization of corporations, state specifically that "On the following dates I organized the following corporations," etc., giving specific information concerning each corporation organized, and follow this same procedure when including such actions as the organization of partnerships, drafting of wills, etc., by stating, "On the following dates I organized the following partnerships, this action including the following—"; "I drafted the will of _____ on these dates, such actions having involved the following—"; and follow this method of giving specific information concerning all your actions during the period of time when you were engaged in the practice of law that is being covered by the abstract.

4. Give some thought to preparing this document in a lawyer-like fashion and file it with an original and four carbon copies.

5. Include samples of the quality of your work, such as pleadings, briefs, legal memoranda, corporate charters or other working papers which you consider illustrative of your expertise, your academic and your legal training.

6. Your abstract should confine itself to the most recent ten years of your practice.

Please find enclosed two copies of an affidavit. Please execute one copy and attach it to the original of your abstract of practice when filing that document with this office. You may retain the second copy for your files.

The majority of applicants possess baccalaureate and law degrees and automatically meet the technical qualifications for admission into the examination. The only actions required by the Board in these cases are the final determinations of character and fitness. However, it will be necessary for the Board to determine your technical qualifications in advance, and for this reason, it would be to your distinct advantage to file your abstract at the earliest possible date.

Any questions which you may have are welcomed.

APPENDIX C

PETITIONER'S MEMORANDUM RELATING TO ABSTRACT OF PRACTICE

RE: *ABSTRACT OF PRACTICE*

The attention of the Board is respectfully called to the fact (as disclosed in the application) that the applicant has not been engaged in the practice of law since 1950, almost 23 years ago and, starting with 1933 up to 1943 there was an interval from 1943 to 1947 when it was again resumed up to 1950. In these circumstances, with my records disposed of, any details would be impossible to furnish.

However, I have had the occasion to prosecute more recently an action pro se. It involved personal injuries and property damage to myself and wife because of negligence, was placed on the calendar of the Supreme Court Queens County for trial (State of New York) after a motion for a change of venue from Bronx County. As the time for selection of the jury arrived a conference between all sides was held in the chambers of the justice of the Court and the matter was settled.

In this connection I am attaching to the papers a copy of my marked pleading (complaint) on the assumption that the answer, stipulations, motions for summary judgment and venue change, bill of particulars, notices to admit and availability for medical examination, readiness statement and note of issue are not also desired.

However, the nature of my practice when I was so engaged, is succinctly set forth in answer to question 102(d) and supplies the best picture thereof that can be furnished at the present time.

JULIUS P. CROWNE

APPENDIX D

PETITION TO THE SUPREME COURT OF FLORIDA

SUPREME COURT OF THE STATE OF FLORIDA

x.....x

In the Matter of the Application of

JULIUS P. CROWNE

For Admission to the Spring, 1973
Bar Examination.

x.....x

State of New York
County of Queens } ss

The Amended Petition of JULIUS P. CROWNE respectfully shows to this Honorable Court:

1. The First Paragraph of he [sic] original Petition should read "Board of Bar Examiners" in place of "Board of Law Examiners."

2. The Third Paragraph thereof should be amplified to indicate that the arbitrary action complained of also constituted a deprivation of your Petitioner's constitutional rights in that he was denied the opportunity of a hearing to determine how the Board arrived at its decision that he was not qualified to take the Bar Examination; that it is evident that such action is being attributed to the fact that your Petitioner has no evidence to submit, after the more than (22) years since he ceased the

general practice of law, of having been an outstanding attorney at that time; and that, having once been a practising [sic] attorney, he is not to be granted the same privilege of going through the burden of a Bar Examination which he is willing to undergo as anyone else is permitted to do.

3. To the best of your Petitioner's knowledge, investigation of the Application is continuing subsequent to said denial with a scrutiny as to character and fitness which your Petitioner is confident can only support him at the very least equal to most of the other candidates.

WHEREFORE, your Petitioner respectfully requests that the relief sought herein be granted.

JULIUS P. CROWNE

Sworn to before me this
28 day of February, 1973

APPENDIX E

SECTION B OF APPLICATION TO THE FLORIDA BOARD OF BAR EXAMINERS

SECTION B

(This section must be completed by all applicants who have been admitted to practice law in any jurisdiction or court.)

100. (a) Please name all jurisdictions and courts, State and Federal, in which you have been admitted to practice law and give dates of admission.

Jurisdiction	Court	Date of Admission

I have enclosed (or requested and will forward later) certificate(s) as to my current standing in each of the above jurisdictions, both State and Federal.

(b) Please state in which, if any, of the above jurisdictions and courts you were required to appear before any board committee or other examining authority for examination or inquiry about any matter, other than on examination upon legal subjects, in connection with your application with your application for admission to practice law, and the name and address of any such authority.

(c) Please state the exact names and locations of courts before which your actual practice of law was chiefly conducted.

Name of Courts	Location of Courts

(d) Have you been entitled to practice in each of the jurisdictions and courts specified in your answer to this question 100 continuously from the date you first became so entitled until the date hereof?———
Yes or No

If not, please state the dates during which you have been so entitled, the nature of disqualification, the facts, and the name and address of the authority in possession of the records thereof.

101. (a) Have you ever been disbarred? ———
Yes or No

(b) Have you ever been suspended from practice? ———
Yes or No

(c) Have you ever been reprimanded, censured or otherwise disciplined? ———
Yes or No

(d) Have any charges or complaints, formal or informal, ever been made or filed or proceedings instituted against you? ———
Yes or No

(e) Have you ever appeared, formally or informally, before a grievance or other similar committee of any bar association or other law group? ———
Yes or No

If an affirmative answer is given to any of the foregoing questions, please state the date, the nature of the charge, the facts, disposition of the matter, and the name and address of the authority in possession of the records thereof.

102. Please make a complete statement of your practice of the law since first being admitted to practice in any jurisdiction or court. Include temporary or part-time work. Please state as to each employment or period of private practice:

(a) The periods during which you were employed as an attorney, or engaged in private practice, with the dates.

(b) The exact addresses of the offices, including room numbers or places at which you were so employed or engaged and the names and addresses of all employers, partners, associates, or persons sharing office space, if any.

(c) The nature and extent of your duties or practice.

(d) The reason for the termination of each employment or period of private practice.

(a)	(b)	(c)	(d)
Inclusive Dates	Exact Addresses, Names of Employers, Associates, etc.	Nature of Practice	Reason for Termination

APPENDIX F

RULES GOVERNING FLORIDA BAR EXAMINATIONS

Rule 1 (e)

1945

(e)—RELATING TO THE ADMISSION OF FOREIGN ATTORNEYS. Attorneys at law in good standing in other states may be permitted to take the State Bar Examination to be admitted to the Bar in Florida, (1) upon furnishing similar requirements of good character and fitness as are required of other candidates to take the examination, and (2) upon producing such evidence as the State Board of Law Examiners may require, that said applicant has been in the general practice of law for at least ten years immediately preceding the date of his application to take the examination, that he is in good standing at the Bar of the State from which he comes, and (3) the State Board of Law Examiners may require an abstract showing the scope and Character of the applicant's previous experience and practice at the Bar, his academic and legal training and his cultural background. If a thorough consideration of this abstract shows that the applicant is a lawyer of high character and ability, that his professional conduct has been above reproach, and that his academic and legal scholarship conform to approved standards and sum up to the equivalent of that required of other candidates for admission to the examination, the State Board of Law Examiners may in its discretion admit such foreign attorney to the examination. In evaluating academic and legal scholarship, the Board of Law Examiners is clothed with a broad discretion and as basis for credit may take into consideration high school attendance, college attendance, law school attendance, night school attendance, study under a preceptor, study in a law

office, lecture courses, independent study and research or any other method of study that it deems worthy of credit. The applicant's experience as a practitioner may also be considered in this connection.

Adopted by the Supreme Court of Florida, July 27, 1945, effective on said date.